

4-2.000 INSTITUTING ACTION

- 4-2.100 Sovereign Immunity
 - 4-2.120 Exhaustion of Administrative Remedies
 - 4-2.130 Standing to Sue
 - 4-2.140 Effect of Declaratory Judgment Act and Administrative Procedure Act
 - 4-2.150 Indispensable Party
 - 4-2.200 Venue
 - 4-2.300 Service of Process
 - 4-2.400 Removal
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4-2.100 Sovereign Immunity

Guidance on governmental immunity issues can be found in the Civil Resource Manual.

Immunity of the United States from Suit, Absent Express Consent	Civil Resource Manual at 30
Consent to be Sued is Strictly Construed	Civil Resource Manual at 31
Government Agencies are not Subject to Suit, Absent Statutory Waiver of Immunity	Civil Resource Manual at 32
Immunity of Government Officers Sued as Individuals for Official Acts	Civil Resource Manual at 33

4-2.120 Exhaustion of Administrative Remedies

See Civil Resource Manual at 34.

4-2.130 Standing to Sue

See Civil Resource Manual at 35.

4-2.140 Effect of Declaratory Judgment Act and Administrative Procedure Act

See Civil Resource Manual at 36.

4-2.150 Indispensable Party

See Civil Resource Manual at 37.

4-2.200 Venue

Guidance on venue issues can be found in the Civil Resource Manual at 38 et seq.

Government as Plaintiff	Civil Resource Manual at 39
United States as a Defendant	Civil Resource Manual at 40
Government Officers and Agencies as Defendants	Civil Resource Manual at 41
Change of Venue	Civil Resource Manual at 42

4-2.300 Service of Process

Service upon the United States requires: (1) service upon the United States Attorney in the manner specified by Fed. R. Civ. P. 4(i)(1)(A); and (2) "by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia." Fed. R. Civ. P. 4(i)(1)(B).

The Attorney General has designated the Assistant Attorney General for Administration, Justice Management Division, to accept service of summonses and complaints for him/her. *See* 28 C.F.R. § 0.77(j). United States Attorneys have no authority to accept service on behalf of the Attorney General. In any action attacking the validity of an order of an officer or agency of the United States not made a party to the suit, service must be made "by also sending a copy of the summons and of the complaint by registered or certified mail to the officer or agency." Fed. R. Civ. P. 4(i)(1)(C).

For general information on service of process issues, *see* the Civil Resource Manual at 43. For information regarding service on government officers in official capacity, agencies and corporations, *see* the Civil Resource Manual at 44.

4-2.400 Removal

See Civil Resource Manual at 45.